

Appl. No. 10/820,617
Amdt. Dated April 30, 2007
Reply to OA Dated February 12, 2007

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REMARKS

The Office Action rejected claims 1-5 and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Walenta (U.S. Patent No. 697,574), and objected to claim 6 as dependent from a rejected claim. While the Applicant vigorously disagrees with these rejections, the Applicant has amended independent claims 1, 3, and 5 (and hence all claims that depend from them) to clarify the claimed structure. Applicant believes these amendments overcome all pending rejections.

Rejections under 35 U.S.C. § 103(a)

The independent claims as amended recite structure that is not found in or inferred by the Walenta reference. In particular the following claim limitations recite structure not found in Walenta:

From claim 1:

- "an outer scoring area . . . having a perimeter defined by a plurality of outer poles"; and
- "an inner scoring area . . . having a perimeter defined by a plurality of inner poles".

From claim 3:

- "at least three outer poles . . . defining an outer scoring area"; and
- "at least three inner poles . . . defining an inner scoring area located within the area of the outer scoring area".

From claim 5:

- "an outer scoring area formed by the perimeter defined by the four outer poles"; and
- "an inner scoring area formed by the perimeter defined by the four inner poles".

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In previous actions the examiner has compared the inner pillar of Walenta to the inner scoring area of the present application. The claimed structure is different from a single pillar as it is now claimed as an area defined by poles or the perimeter formed by poles. A single pillar cannot meet that limitation and is not suggestive of that limitation.

Additionally, the examiner has compared the individual outer pillars of Walenta to the outer scoring area of the present application. The claimed structure is different from the individual scoring poles as it is now claimed as an area defined by poles or the perimeter formed by poles.

The distinction between the areas claimed and the pillars shown in Walenta is critical to understanding the structure of the present invention. In the present application all poles, other than the game pole, exist solely as demarcations of the claimed areas. In contrast, the Walenta pillars are individual scoring structures, each supporting a scoring element, or ball. Their placement does not define a scoring area or perimeter. Each stands alone. This structural difference is the primary difference between the present application and Walenta.

CONCLUSION

The Applicant respectfully requests the Examiner to make the above amendments, withdraw all pending rejections, and allow the patent to issue. Any questions regarding this response should be directed to the undersigned attorney for Applicant.

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Respectfully submitted,

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